

South Carolina Advisory Council on the Education of Students with Disabilities

AT&T South Carolina Corporate Offices
1600 Williams Street
Columbia, SC 29201
November 4, 2009

Members Present: Dea Baldwin, Vivian Correa, Mike Neves, Tanya Inabinet, Jennifer Buster, Becky Alexander, Lisa Harmon, Sarah Pope, Brenda J. Myers, Kim M. Bryant, Kay Ciganovic, Dr. Robert Hatchette, Scott Gaines, Susan Carter Spain, Linda Hill, Sharon Durham, Maurie Singletary, Ashley Bender, Lauri Hammond, Craig Stoxen, Dr. Danny Varat, JoAnne Bachman, Kenneth Hughes, Patti Myers, Lillian L. Walker, Crystal Bivens, Bev McCarty, Dianne McLean, Dr. Karen Pettus, Kerry Johnson, Dr. Diane Gaskins, Amanda Alford, Norma Donaldson-Jenkins and Shannon Lindsay

Guests: Tim Conroy, Helen Wilson, William Brown, Lynne Bosma, Cecily Glasso-Smith, and Luanda Hughes

South Carolina Department of Education Staff Present: Trishun Pittman, Elizabeth Stout, Marlene Metts, Michael Paget, Barbara Drayton, Lana Ott, Karla Hawkins, Robert Compton, Beckie Davis, Michelle Bishop, Susan Floyd, Dr. Vanessa Nelson-Reed, Mary Etta Taylor, and Dana Reed

The Advisory Council meeting opened on November 4, 2009, with a welcome from Ms. Dea Baldwin, Chairperson, and an introduction of members and guests.

Council Business

Ms. Baldwin started the meeting by asking members to review and approve the minutes from the September 11th Advisory Council meeting. A few members noted corrections that needed to be made to the minutes. The minutes were approved with corrections. Ms. Baldwin asked the members to review the amendments to the Advisory Council by-laws. Members made suggestions regarding the anti-discrimination section and the public comment section of the bylaws. Ms. Baldwin explained that the Advisory Council needs to

move forward with the annual report and that the report will be sent to members via email. Advisory Council policies and procedures were previously emailed to members for their review. Members were reminded that the next full Advisory Council meeting will be held on February 5, 2010.

Committee Work

Committees of the Advisory Council convened in the morning. The following committee updates were provided at the end of the day:

Ms. Bachman gave an update for the Recruitment and Retention Committee. She explained that the committee is reviewing a plan to send surveys to special education teachers around the state to gather information about their concerns.

Ms. Ashley Bender gave an update for the Safe Schools/Mental Health Committee on behalf of the committee's chairperson, Ms. Crystal Bivens. Ms. Bender explained that the committee has moved on its work on seclusion and restraint and is now focusing its time on bullying issues and lack of school-based mental health services. The committee plans to work towards developing a position paper on school bullying and discussed the idea of setting up a forum between the South Carolina Department of Education and the South Carolina Department of Mental Health to hear concerns from the public.

Ms. Ciganovic provided an update for the Transition and Self-Advocacy Committee. She explained the committee discussed alternative diplomas and would like to invite the secondary transition education associate to be hired by the Office of Exceptional Children (OEC) to the next Advisory Council meeting.

Ms. Tonya Inabinet provided an update for the newly formed Dispute Resolution Committee. The committee has made recommendations regarding dispute resolution and monitoring that have been shared with Ms. Marlene Metts and Ms. Beckie Davis. During the meeting the committee focused its discussions on facilitated individualized education program (IEP) meetings.

Dr. Vivan Correa provided an update for the Pre-school Committee. The committee has formed an action plan for its annual report and will be collaborating with OEC personnel to prepare the report. Dr. Correa also reported that the committee discussed certification in early

childhood education, concerns about the OEC website, and the possibility of a statewide preschool conference being held.

Public Comment

After committee work, the Advisory Council reconvened for the time period devoted to public comment. Ms. Bachman read aloud a letter the Advisory Council received from a parent who has had difficulty receiving services for her child with Autism. Ms. Bachman shared another letter from a parent who was having difficulty receiving services for her 4 year old in her school district's program for at risk children. Ms. Ciganovic then read aloud a letter from a parent who was concerned about the state testing required by No Child Left Behind (NCLB) and our state's high standard for school district testing.

Ms. Baldwin then initiated conversation with members of the Advisory Council on what type of follow up, if any, the Advisory Council should provide to individuals who submit letters to be shared during the public comment period. The following was discussed : (1) providing individuals with the contact information for the OEC Ombudsman, and (2) forwarding the letters to the respective school districts for follow up.

OEC Updates

Ms. Lana Ott, Complaint Investigator for the Office of General Counsel (OGC), provided the Advisory Council with a summary of the special education written complaints received by the OGC during the past year. She provided handouts that reflected the number of special education complaints received by school district. Greenville County School District received the highest number of complaints (due to a group of complaints filed regarding the same issue). Orangeburg County School District Five received the second largest number of special education complaints. Ms. Lott explained that issues identified in the complaints included noncompliance in some way with students' IEPs, school districts not following procedural safeguards, discipline violations, and failure to evaluate. Per Ms. Ott, violations of IEPs continue to be the single greatest finding with the complaints for the past two years. Ms. Ott also shared information about new issues and findings which included the areas of residential treatment facilities and the use of time-out rooms in schools.

During Ms. Ott's presentation, Advisory Council members asked questions about the monitoring of school districts. Ms. Ott explained

that she used to be the Monitoring Coordinator for the OEC a couple of years ago. An Advisory Council member asked why this monitoring position no longer existed. A member of the Dispute Resolution Committee reported that one of the committee's recommendations will be for the OEC to have a coordinator for monitoring. Ms. Marlene Metts, Director of the OEC, provided information to the Advisory Council on how the OEC currently monitors compliance on the part of school districts via school district compliance reports and state indicators. Ms. Ott concluded her discussion by explaining that the OEC encourages parents and school district personnel to utilize early dispute resolution techniques to resolve the need for filing a state complaint, since the complaint process takes 60 days to issue a finding and due process complaints take 45 days to be resolved.

Ms. Barbara Drayton, Deputy General Counsel for the OGC, conducted a presentation about the number of requests for mediation and due process hearings received over the past year. She provided the Advisory Council with handouts. During the 2008-09 school year, the OEC received 15 due process hearing requests. According to Ms. Drayton, many due process requests do not result in full due process hearings. The biggest issue identified in the due process requests centered around free appropriate public education (FAPE) issues. Ms. Drayton reported that many due process hearing requests were resolved through resolution agreements. Out of the 6 requests for mediations, 3 resulted in agreements. Ms. Drayton explained that resolution agreements are enforceable in federal court.

Dr. Susan Floyd, the OEC's Education Associate for Speech and Language Disabilities, conducted a presentation about *Project SLP*, an effort to increase the recruitment and retention of speech language pathologists (SLPs) in the public schools. Dr. Floyd reported that there is a critical shortage of school-based SLPs. Beginning in 2015, SLPs will be required to hold a master's degree. The OEC is currently funding a scholarship program for SLPs and has created an advisory board and task force to focus on the recruitment and retention of SLPs in school districts. Since *Project SLP* began, there has been a decrease in SLP vacancies. However, vacancies continue to be an issue for rural school districts. It was noted that one issue that may be impacting the retention of SLPs is the heavy case loads SLPs carry for school districts.

Ms. Metts provided the Advisory Council with information regarding Proviso 1.77 concerning educational services for students with and without disabilities who are placed by state agencies in residential

treatment facilities. Ms. Metts explained that Ms. Drayton and Ms. Dana Reed, Ombudsman for the OEC, have been responsible for conducting training regarding proviso 1.77. Ms. Metts also shared information about the OEC's Facilitated IEP Meeting Project. Per Ms. Metts, six school districts participated in the project last year when the project was piloted. This year, twelve school districts are participating. Ms. Reed provided further information about the facilitated IEP meeting project and the recent training provided to a cohort of facilitators in Charleston.

Ms. Beckie Davis, OEC's Coordinator for General Supervision, shared information to the Advisory Council about recently proposed amendments to the state's special education regulations. Per Ms. Davis, the proposed amendments will keep the state in line with the new Individuals with Disabilities Education Act (IDEA) amendments. Ms. Davis noted that one amendment in particular may have a big impact on special education services. This amendment covers a parent's right to revoke special education services at any time for his or her child. Once a parent revokes consent, the school district cannot pursue due process against the parent to keep the child in special education. However, if the parent revokes consent, the parent can later request the child be evaluated again for special education eligibility. Ms. Davis stated that information about the proposed amendments is posted on the OEC website and that public comment regarding the proposed amendments will be received via public hearings to be held around the state.

Dr. Vanessa Nelson-Reed, OEC personnel, then provided the Advisory Council a quick update on state grants.

Council Business

Ms. Baldwin adjourned the meeting.